

FARMINGTON CITY – CITY COUNCIL MINUTES

OCTOBER 5, 2021

WORK SESSION

*Mayor Jim Talbot,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,*

*Planning and GIS Specialist Shannon
Hansell,
Assistant City Manager/Economic
Development Director Brigham Mellor,
Assistant City Manager/City Engineer Chad
Boshell,
City Attorney Todd Godfrey, and
City Lobbyist Eric Isom.*

Mayor **Jim Talbot** called the work session to order at 6:00 p.m. Councilwoman **Amy Shumway** offered the invocation. Councilman **Shawn Beus** and City Manager **Shane Pace** was excused.

CONTINUED DISCUSSION ON WASATCH PARKING GARAGE

Assistant City Manager/Economic Development Director **Brigham Mellor** addressed the Council, saying the City's contribution to constructing the shared parking lot would be about \$500,000, not to exceed 40% of \$1.2 million. Without cooperation with **Chris McCandless** and **Mike Williamson** with FSC LLC, it would cost the City \$2.7 million. The City has \$1.5 million in the fund just for this park. Other funds may come from storm drain and park impact fee money as well as settlement money. Also, without the McCandless deal, the City park would be reduced from 15 to 13 acres.

He said another public benefit of the shared parking would be how much say the City gets with the easement. Without the shared parking, the City would need to come up with 184 stalls, which could take up 2 acres. A piece of ground at 1525 and Burke recently came under contract for \$17 per square foot, so he assumes the City's property would be worth the same. **Mellor** figured that netted out, the total public benefit to doing the deal is worth \$2.2 million.

At this point, the City is not offering any incentive money to the developer. When the proposed 124 residential units start collecting property tax revenue, there is \$300,000 annually that will go to Community Reinvestment Project Area (CRA) 2, which is a revenue stream that can offset the \$500,000.

Mellor said Farmington is in discussions with Weber State University, who wants to get out of Station Park and needs 45,000 square feet for their master program. This money could help subsidize getting WSU in the door.

Councilman **Scott Isaacson** noted that in Stack's agreement, the City didn't let them put in housing first. He said the City is not being as strict with McCandless as they are with Stack.

City Attorney **Todd Godfrey** said the game has changed from a state perspective in the last year. When the City was in negotiations with Stack, there was not a heavy legislative mandate to address housing concerns. That alone justifies the two different positions. There is also a difference in developers and the size of their projects. The risk is smaller on the Stack project.

Shumway said she wanted the commercial to residential ratio to be more like the 70:30 instead of the 60:40. She doesn't want housing and noted that the developer is coming in under Section 140 because residential is not allowed in the underlying zone. As such, they need to show a public benefit. She understands that shared parking is a public benefit, but it is a big ask to request the City pay half a million dollars for that public benefit.

Mayor Talbot said this is a good developer with a good product, and they haven't demanded any incentives. Stack, however, did ask for \$34 million in incentives.

Community Development Director **Dave Petersen** said some benefits are nonmonetary. He said the City wants a successful mixed-use office park, not a dying office product. He said nationwide it has been shown that a housing element helps an office park be successful.

Mayor Talbot said the City could pay back the park fund in the first year and make sure the park doesn't keep suffering because of the coming development. The City paid a huge price for this park, and he wants it to be done right, not see it short-changed. The agreement and land exchange gives the City a more usable park. **Isaacson** said he wants the agreement to be as binding and strong as possible.

Petersen noted that Farmington's parking easement on the property shows that the ground is intended for shared parking. Office is the only major use that can use the shared parking, which almost guarantees future office development. This locks it in. He has submitted a grant that will help determine what form the people mover/shuttle will take, as well as its location.

CENTER STREET ROAD DISCUSSION—UPDATED MASTER PLAN

Mellor addressed the council. A design charrette to update the Urban Design Associates (UDA) plan detailed a street connection. Stack's consultant, Civitas, made it a 0.4 mile pedestrian-only access to Station Park. This would affect the entire business park as well as Stack's initial designs, and the Council will have to make a decision about this in November. Stack has submitted to the State for tax exempt bonds, and they should get a decision back this month. While Stack wants all pedestrian, Staff wants a car element added. A 60-foot Right of Way (ROW) from the back of the sidewalk to the back of the sidewalk allows for parking, two lanes of traffic, and sidewalks on both sides. **Mellor** noted that the narrowest part of Gateway's ROW is 60 feet. This could go narrower if the on-street parking was eliminated on one side of the street.

Mellor noted examples of pedestrian connections in Calgary, Alberta; Anaheim, A Town, California; and Arbutus, Vancouver, British Colombia. If this was used in Farmington, it would be 1.2 miles from end to beginning, which is much longer than these examples that terminate in a park. The longest one **Mellor** has found is in Orlando, Florida, where the pedestrian walkway is over 100 feet wide and 0.25 miles long, terminating at a park. In Dallas-Fort Worth, Texas, as well as Nashville, Tennessee, it is one block long with plazas on either side. One in Pittsburg, Pennsylvania, is a lot wider, and ends at a park. **Isaacson** noted that in all the pictures **Mellor** showed the Council, he didn't see a pedestrian. **Mellor** feels that 1.2 miles is too far to walk, and no one will use it. The City wants this to be a lively area.

Mayor Talbot said the park should be a focal point, but there needs to be a good way to get to it. He doesn't have a problem with cars being on it, and he also thinks it is too far to walk. It might not be too bad in a city with fairer weather, but Utah has lots of rain and snow. **Shumway** said that long of a pedestrian walkway would encourage residential development, not commercial. **Isaacson** said he likes busy streets on both sides, with cars and pedestrians in the middle. He feels comfortable walking on the ROW at Station Park. Councilwoman **Rebecca Wayment** agreed, saying the landscaping and trees make it pedestrian-friendly even though it is not a big corridor for traffic.

Assistant City Manager/City Engineer **Chad Boshell** said Stack is having trouble getting wrapped products in this project, and they may have to combine buildings to get it. **Mellor** said that **Mayor Talbot**, City Manager **Shane Pace**, and two council members have heard all these details from GSBS Architects before today. He will make it a point to get **Beus** up to speed in time for a November decision. While Stack is concerned with their own development, the Council needs to make a decision that is in the best interest for the entire development.

REGULAR SESSION

*Mayor Jim Talbot,
City Manager Shane Pace (via Zoom),
Mayor Pro Tempore/Councilman Brett Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,
Community Development Director Dave Petersen,*

*Planning and GIS Specialist Shannon Hansell,
Assistant City Manager/Economic Development Director Brigham Mellor,
Assistant City Manager/City Engineer Chad Boshell,
City Attorney Todd Godfrey,
City Lobbyist Eric Isom, and
Wayne Kartchner, Davis Journal reporter (via Zoom).*

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:00 p.m.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Mayor Pro Tempore/Councilman **Brett Anderson** offered the invocation, and the Pledge of Allegiance was led by Councilman **Scott Isaacson**.

PRESENTATION:

Historic Preservation Update to City Council

Community Development Director **David Petersen** introduced the Historic Preservation Commission members at the meeting including: Commission Vice Chair **Karina Landward**, who is a land use attorney and the newest Commission member; Commission Liaison **Shawn Beus**, who is also on the City Council; Commission Member **John Crawford Anderson**, who has been on the commission for almost 12 years; Commission Member **David Livingston**; and Commissioner **Charlotte Packer**, who has lived in Farmington her whole life and volunteers at the museum. Attending via Zoom were Historic Preservation Commission Chairman **David Barney**; Commission Secretary **Tiffany Ames**, who takes the minutes and has restored a Farmington historic home; Commission Member **Darren Degraw**, who has restored a Farmington historic home; and Commission Member **Andrew Clark**.

Barney reported on what the Commission has done over the year including changing the website to include email and contact information for all members; including a list of properties on the National Historic Register on the website; applying for a \$9,000 state-matching grant for home preservation; running a Festival Days booth for the first time; and pursuing a research grant for records digitalization. Future plans include placing more plaques on homes and historic sites, and having storytellers at historic sites during Halloween.

Mayor Talbot said he appreciates the Commission, which works under the direction of the City Council. The Trail Committee will likewise be presenting during a future Council agenda.

Councilman **Shawn Beus** thanked each Commission member for contributing their talents and passion for history. He mentioned the help of Staff including **Petersen**, Planning and GIS Specialist **Shannon Hansell**, and Associate City Planner **Meagan Booth**.

PUBLIC HEARINGS:

Street Vacation – Smoot Drive (350 South) – STR-1-21

Hansell presented this agenda item. The County recorded Smoot Ranch Estates on May 9, 1997, which included a portion of Smoot Drive (350 South) on the north adjacent side of the **Brent** and **Susan Holmes** property. The Holmes property was built previous to the development of Smoot Ranch Estates, and was therefore not included when the 350 South Right of Way (ROW) was placed. The applicant is now requesting that the Smoot Drive ROW be narrowed by a portion approximately 5 feet wide and 217.8 feet long along the north length of their property. This would bring the Holmes north property line flush with that of 595 W. Smoot Drive. The applicants had to post a notice to the newspaper for three to four weeks prior to the City Council making a decision. While the two homes on the corner of 650 West and Smoot Drive weren't part of the subdivision, this is only being requested for the south side of the ROW.

Applicant **Brent Holmes** (369 S. 650 West, Farmington, Utah) addressed the Council. He moved to this home in 1979. When the original subdivision was divided by Mr. Smoot, **Holmes'** property was part of Davis County, not the City, and the ROW was set to 60 feet wide. Fifteen years later, **Holmes'** property was annexed into the City and the subdivision was set to 50 feet wide. It has been that way for 25 years.

Mayor Talbot opened and closed the Public Hearing at 7:24 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Petersen said this is a house keeping item. **Isaacson** asked the applicant if he understood this is voluntary, will give him a little more property, and could result in higher property taxes.

Holmes said he did understand this.

Motion:

Anderson moved that the City Council approve the ordinance vacating a south portion of the Smoot Drive (350 South) Right of Way (ROW), encompassed by the Smoot Ranch Estates Subdivision. The 217-foot portion to be vacated abuts 369 South 650 West, which is not located in the aforementioned subdivision. This street vacation is approved with the condition that the property owner of parcel 08-087-0020 must provide a legal description for the area to be vacated (Exhibit A) which matches the inner boundary of the sidewalk on 650 West and Smoot Drive, along with the Findings 1-2 in the Staff Report.

Findings 1-2:

1. The property owner of 08-087-0020 is requesting that the ROW be vacated for just the approximate 5 feet where their property line jogs south to accommodate the widened 350 South ROW.
2. There is good cause, and no harm to the general interest, to narrow the Smoot Drive ROW, as the property owner only wishes to bring their north property line flush with those in the Smoot Ranch Estates Subdivision.

Councilman **Rebecca Wayment** seconded the motion. All Council members voted in favor, as there was no opposing vote.

De-Annexation application -- Theresa Hill A-2-21

Petersen presented this agenda item, which addresses the de-annexation of half an acre of property near Glovers Lane and Sheep Road. **Petersen** spoke with County officials, who in their memory had never seen a de-annexation approved before. He said Staff could not find a good reason or advantage to disconnect this parcel from the City and put it into the County. Therefore, Staff recommends denial.

Applicant **Theresa Hill** (62 E. 1470 S., Farmington, Utah) addressed the Council. She has lived in Farmington since 1979. The 2 acres to the side with a home on it was sold. Now she has a half-acre piece of land in the City and a piece in the County, and she would like both pieces to be in the County. It is land in her parents' trust and she keeps horses on it. She said she has spent time and money to make this happen, speaking to Davis County Planning Manager **Jeff Oyler**,

who told her in the past that Davis County would take that piece back. So, she was surprised when she got a call today from **Petersen** saying he was not sure it would go through.

John Sather (759 S. Bulrush Road, Farmington, Utah), a friend of the applicant's, noted that the land in the back is landlocked, with no access into it. The land is not valuable to Farmington, so he doesn't understand why they want to keep a hold of it. The City can annex it back in the future if they see a need. He said **Hill** would like to get it back into the family estate, how it used to belong to her dad.

Petersen said there is no tax advantage to de-annexation. It would be pennies to the City, maybe. He noted that Farmington would allow more horses on that property than the County would, as Farmington is more horse-friendly. Assistant City Manager/Economic Development Director **Brigham Mellor** said if the two parcels were combined, it would result in 1.5 acres.

Mayor Talbot opened the Public Hearing. **Mayor Talbot** closed the Public Hearing at 7:39 p.m.

Anderson asked what guides the City in de-annexation. He noted that the state standard talks of annexation, not de-annexation. City Attorney **Todd Godfrey** replied that the Council's decision is discretionary. The only standard is if the City is unable to provide services. Otherwise, the City is bound by the legal standard of arbitrary and capricious. **Petersen** said the City is in a better position to provide services in that area. While the applicant can combine the half-acre piece with the one-acre parcel to the north if she feels it is in the best interest of the trust, combining it may be disadvantageous to the heirs.

Isaacson asked the applicant why she wants it combined into one parcel, if she can use the land however she wants if one part remains in the City and the other part in the County. **Hill** answered that it would eliminate two different tax notices from two different tax entities. The combined parcel would not be subdivided in the future because of the wetlands to the west. She asked the Council why not.

Beus said it would simplify management of the land to have just one tax notification. **Wayment** asked if the City were to approve the de-annexation, would the applicant have to next get the County to annex the land in? **Godfrey** answered that the only way the County can prevent it from happening is if they had protested it. If the City disconnects it, it will automatically go to the County. He felt that **Oyler** asserted that the County Council would not protest the City de-annexation.

Councilwoman **Amy Shumway** asked if the de-annexation would cause the value of the property to decrease. **Godfrey** suggested that it would, since County services are less intensive than City services. **Mayor Talbot** said this is a personal preference, and while it didn't make sense to him, the Council should consider the applicant's desire.

Anderson said he had no heartburn with it, as the half acre is surrounded by County parcels and he doesn't see a compelling reason for the City to hand on to it. There are no easements etc. on the property. **Shumway** said she finds the decision difficult because the Council has no guidance, but she doesn't want to be petty. **Wayment** said with all the growth on the Wasatch Front, having someone want to leave City boundaries is very rare and opposite of the norm. She likewise has no heartburn over this, and she wants **Hill** to be able to combine the two parcels into one tax identification number. She predicted, along with **Mayor Talbot**, that the land will eventually come back into the City.

Motion:

Wayment moved the city council approve the petition by **Hill** to de-annex 0.49 acres of property (Davis County Tax ID #08-079-0045) from the City limits to the unincorporated area of Davis County, and direct Staff to draft an ordinance for an upcoming meeting to finalize the de-annexation process.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

NEW BUSINESS:

Approval of a Betterment Agreement with UDOT to Install Storm Drain Improvements along 1100 West and the Glovers Lane Embankment

Assistant City Manager/City Engineer **Chad Boshell** presented this agenda item about extending a storm drain pipe, which the Council has discussed twice before. The Utah Department of Transportation (UDOT) provided the City with the Betterment Agreement. The City's portion will be \$77,737.10, to be paid out of the storm drain utility fund. This will likely require a future budget amendment. UDOT will pay \$24,000. **Boshell** approves of this agreement.

Isaacson said the agreement looks great. However, he questioned that on Page 4, paragraph 6, "company" is not a defined term when referencing a prohibition on certain telecommunications and video surveillance services or equipment. He said it looks like a change order. The contract is a mess and he would like to clean it up. **Mayor Talbot** said it looks like no harm, no foul.

Godfrey said he agreed, but when he asked a similar question of the Attorney General's Office in the past, he was told changing a UDOT agreement would take six to seven months. He had **Jayme Blakesley**, an attorney in his office who specializes in federal transportation, look at it, and **Blakesley** said it doesn't do any harm. However, **Godfrey** doesn't mind bringing it up with UDOT again. **Boshell** said this Betterment Agreement is part of the previous UDOT master agreement for all improvements, which the Council already approved.

Motion:

Shumway moved that the City Council approve the betterment agreement with UDOT in the amount of \$77,737.10 for storm drain improvements on 1100 West in connection with the West Davis Corridor (WDC).

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

Approval of a Pipeline Crossing Agreement with Union Pacific Railroad to allow UDOT to Replace an Existing Storm Drain Pipe for the WDC Construction

Boshell presented this agenda item. The existing storm drain line at approximately 1470 South crosses Interstate 15 (I-15) and the Union Pacific (UP) railroad. This storm drain line conveys City and UDOT stormwater. As a result of the West Davis Corridor (WDC) construction, UDOT needs to upsize this line. UP requires a pipeline crossing agreement. This agreement requires that the City have certain insurance requirements and pays a fee. UDOT has informed the City that they are covering the fee, the additional insurances, and the other construction requirements listed in the agreement. Even though this pipe drains both City and UDOT water, the pipeline is believed to be the City's. It drains a good portion north and east of 1470, collecting water off the freeway and shoulders. The pipe is undersized for the changes that are being made in this area. They are diminishing the size of a detention basin and adding more retention to it. Staff recommends approving the Pipeline Crossing Agreement with UP Railroad.

Boshell said it is good the pipe is being replaced and made larger, as it will be one less pipe the City will have to worry about for 50 years. He said he has it in writing from UDOT that they will cover the fee and additional insurance required by UP. UDOT has a lot of these they are doing, which requires the same insurance at all UP crossings. The City has a lot of insurance, but not all that is required in this situation. UDOT is looking at boring it, as it will be less interruption to I-15.

Isaacson asked who the contractor was being referred to in Article 5. **Boshell** said it is FBC. **Isaacson** advised **Boshell** to make sure FBC gets a copy of the agreement so the City doesn't lose its indemnity. **Boshell** agreed to do so.

Motion:

Isaacson moved that the City Council approve the pipeline crossing agreement with Union Pacific Railroad which allows UDOT to replace an existing storm drain pipe for the construction of the West Davis Corridor.

Anderson seconded the motion. All Council members voted in favor, as there was no opposing vote.

Motion:

Beus moved to adjourn the meeting to allow for a short break. The motion was seconded by **Wayment**, and was unanimously approved.

Motion:

Beus made a motion to reconvene at 8:15 p.m. The motion was seconded by **Wayment**, and was unanimously approved.

OLD BUSINESS:

Schematic Subdivision Project Master Plan/Development Agreement – Farmington Station Center Townhomes, and a Zone Text Amendment to modify the City's Regulating Plan

Hansell presented this agenda item, telling the Council that they were considering two different items tonight. First is the schematic subdivision. Second is the Project Master Plan/Development Agreement. Staff recommended tabling the Zone Text Amendment and regulating plan concerning roads, as the finalized road layout is not available yet. The Zone Text would be considered in the future when the final plat is considered.

The Farmington Station Center Townhome project is a medium density, mixed-use development proposed on Burke Lane and 1525 West. The project borders the site of the future City Park. The project consists of Sego Homes product, seen currently in Daybreak, Utah, as well as more conventional townhomes in the center of the development. The developer proposes office buildings on the west side of their property, to be developed at a later date, and will provide shared parking in that section for the future City Park. The applicant also proposes a Land Exchange Agreement for shared parking and increased area for the park. The applicant must

provide and receive approval for a PMP/DA under Section 140 Chapter 18 due to, among other things, the residential use being not permitted in the Office Mixed Use (OMU) zone. However, the site total provides roughly 60% office to be protected by contractual agreement and 40% residential uses, a similar ratio to other area developments.

Hansell noted a change to the Development Agreement, which was a new street marked with a measurement of 26 feet. The “26 feet” central lane should be stricken at this point, as it is unsure what the measurement will be.

Applicant **Mike Williamson** with FSC LLC (9071 S. 1300 W., West Jordan, Utah) said he is excited about the project, which involves for-sale housing and a commitment to keep 60% office/commercial/retail that supports office.

Anderson asked at what point building height would need to be addressed. He feels it is an abrupt change from single-family homes to a wall of density. In the past, the Council has looked at staging. **Petersen** answered that as Staff, they feel there is not an abrupt change because it is east of Commerce Drive and the SS Railroad project. The closest home is a long distance away, more than 300 feet, or a football field. Also, their project doesn’t feel like a tall project, and doesn’t look like a three-story structure. He noted that the Denver and Rio Grande Western Rail Trail (D&RGW Trail) is tall there between the project and homes. The cul-de-sac cannot see to the northeast to the tops of this proposed project. **Petersen** said most townhomes don’t have a front garden area as this project proposes. Fiore to the west, and townhomes in North Salt Lake and Bountiful don’t have a series of front yards like this does. It is a good front face forward. This is a well-done residential project that will make a statement right next to the City Park.

Petersen said the applicant tried hard to make even the corners and building ends look good, and the City will use this as a precedence. He noted 1400 West, a pedestrian and road connection that bookends at the park. Park strips, curbs, and gutters are administrative acts that shouldn’t go into the legislative agreement. He wants to make sure that street cross sections are done correctly. He hopes the Romney parcel fits and works with this, but this applicant doesn’t control that.

Mayor Talbot said he likes that it doesn’t look boring. The variation in rooflines gives it character. He understands that it is a concern to see residential come up first in the business park area, but he likes the measures and stop gaps that are being put in place to force the applicant to do 60% office. His concerns have lessened as this has been discussed.

Mellor said ground will be broken on the business park roads this spring, and Stack on the south will likely have the first office building out of the ground. Stack has access for construction vehicles to get to the building sites right now between Wasatch and their property. He feels

confident Stack will have 200,000 square feet leased by the end of the year. Each building is 180,000 square feet if it is six stories. Stack has one particular tenant that could be announced by the end of October. Stack has to have a building in 18 months, and it usually takes about 24 months. By the time the building is done, the roads will be done.

Wayment was concerned with traffic flow with 1525 to the south and Burke Lane to the east, routes that are heavily used to get to the high school. She asked if improvements or widening is being planned for 1525.

Mellor answered that they are still working on wetland delineation, but this concern is valid. He is not sure how quickly the proposed residential units will be filled. Visionary Homes on the northern tip by the Kaysville border has not filled to capacity in three years. The vast majority of units will have direct access off Burke. Commerce Drive will be capable of handling 30,000 cars a day.

Wayment asked what other development is coming down the line, and if infrastructure will be sufficient. **Mellor** said Stack has a commercial/residential ratio of 3:1. Wasatch has a piece that can be built as residential before office is built. More residential besides what Wasatch is doing, plus a smattering on the west, will not be possible without having to build office first. The only thing he could see coming forward in the short term is Castle Creek, which is tied up for 15 years now. **Petersen** said they received their entitlements in 2007. Everything east of Commerce will be zoned General Mixed Use (GMU), which restricts residential use.

Mellor said the primary concern is a possible shortage of sewer, or the capacity of the lift stations and trunk line. That will not be affected by this proposal or Wasatch's. Anything beyond those will affect it. Farmington agreed to pay for that on the main two roads, except for some stretches. He expects the Sewer District to be pumping the brakes on development out there. The sewer line on 950 North from the Shepard Lane interchange to the West Davis Corridor (WDC) is more important, as it will pull a lot of sewer. In some places the sewer will be underground 20 feet. It is a complex sewer system. That primary concern from a utility standpoint could prevent big residential elements. **Mellor** noted that the School District is not afraid of the Wasatch project, or students living in the Castle Creek development, as most students come from single-family homes instead of multi-family developments.

Mayor Talbot said that COVID-19 threw some unpredictability at plans for the business park, but he is encouraged to hear that Stack could have two office buildings coming out of the ground as soon as a road is completed. Farmington and participating taxing entities extended Stack's agreement out due to COVID, but it is good to see that development will be going vertical soon.

Mellor said Staff talks with Stack almost every day, mostly about roads and the buildings that feed those roads, rarely about the residential component.

Wayment asked if the Council still has flexibility from schematic to final to approve a 65:35 ratio. **Godfrey** answered yes. **Isaacson** said projects in the OMU are completely at the Council's discretion, and they are not setting a precedence because they are not held to any other standard. Any residential is discretionary to the City Council. **Petersen** noted that the percentages are all over the map, with the Cook property at 67:33 (commercial/residential) and Haws north of Shepard Creek 100% commercial. **Mayor Talbot** noted that the City came to Stack with the 60:40 proposal in June of 2020. Stack didn't come to the City with those numbers. **Petersen** pointed out that some residential is needed for the success of a mixed-use office park. Millennials want a building near where they live. **Mayor Talbot** said the Council always asks for a for-sale project, and this is it. He is glad it is not just apartments.

Isaacson said he wanted to go on record that he would like the City to do everything legally in their power to hold the applicant to the 60% commercial or supporting retail. He wants it to be enforceable. **Godfrey** said the only way to change it is if a Council says it can change. The current Council can't bind a future council, but he noted there are no term limits for City Council seats. **Isaacson** will forward the minor changes he found in the agreement to **Godfrey** after the meeting. They are minor typos and none are substantive changes.

Shumway asked about framing this proposal for her constituents. The project came in under Section 140 to get residential because residential was not allowed in the GMU zone. To get residential, the City has to see a public benefit. She asked if the shared parking and land exchange is the public benefit, even though the City has to pay for 40% of the maintenance. The City is going to pay \$500,000 to build a public benefit. She asked the applicant how they came up with the 60/40 maintenance figure. She said this is a hard sell to the residents, and it is steep for the City to have to give 40%.

Williamson said it was based on a chart they created of when they assumed city residents would be patronizing the park vs. the amount of time office tenants would need parking, essentially who would be using the parking at any particular time. He said the public benefit is this is parking the City would have to build anyway; now the City doesn't have to build it; and now the City can expand the use of its park. They tried to make it as fair as possible. **Williamson** said there will be 37 four-story units, denoted as "roof deck" or "roof terrace," all on the perimeter of the project. These will be priced at around \$450,000. The rest will be two- and three-story units starting in the low \$300,000s.

Anderson said he is struggling with the building height, wishing it could be shorter on the west side. He wishes he could get a better feel for this project, perhaps with depictions from different angles. **Wayment** said this is not as egregious as other projects, since it is buried in that funny little hill. However, it does set a precedence of four-story townhomes, and she is worried the Council will be more pushed on those styles and elevations. **Isaacson** said he is impressed with the product at Daybreak, and is not concerned with this proposal or its height. After seeing Daybreak in the spring, he is not thrilled with this, but is persuaded to go ahead with an approval. **Mayor Talbot** said a football and a half distance between residential is a good distance. **Beus** noted that the Council pushed for buffering further south along the Rail Trail.

Mellor noted the road that is capable of handling 30,000 cars, and a topography change of approximately 25 feet between the bottom and top of the Rail Trail. This is the highest point of the Rail Trail in Farmington. He said he would be more concerned with the traffic than the height of the townhomes. The road will have on-street parking, massive sidewalks, a large park strip, a bike lane, and two travel lanes in each direction. He asked the Council to consider the 65-foot-tall Legacy Events Center near the million-dollar homes in Chestnut Farms, and noted that the proposal in question is nowhere near 65 feet.

Anderson asked if there is room to plant trees that could buffer the height, preferably Sycamore trees. **Petersen** said there is room, and applicant **Chris McCandless** with FSC LLC (9071 S. 1300 W., West Jordan, Utah) said he likes Sycamores.

Motion:

Isaacson moved that the City Council approve the Farmington Station Center Townhomes Schematic Subdivision and Project Master Plan/Development Agreement; and table the Zone Text Amendment related to the City's Regulating Plan, and consider it concurrently with Final Site Plan and Final Plat approval at a later date.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote. **Shumway** and **Anderson** both said their aye votes were hesitant.

CW Management Land Exchange Agreement with Farmington City for Park Land

Mellor presented this agenda item. This is an exchange of 1.3 acres, formerly the Turpin and Cox parcels, for an entire northern augmentation of the City park. Legal descriptions are yet to be determined. Engineers are a few weeks out from solidifying the alignment of Commerce Drive. Applicants **Mike Williams** and **Chris McCandless** were present.

Isaacson verified that the exchange involves equal amounts of land. **Mellor** confirmed that it will be exactly the same amount of land when submitted to the recorder's for quit claim deeds. The exact acreage is not fixed yet. The east-west road alignment with the four-way intersection and railway is still being figured out, and the north end of the park hasn't been designed yet.

Mayor Talbot said he has been concerned from the beginning about the cost the City has to participate in. However, his greatest desire is to build a premiere park for the residents on the west side and for the business park.

Motion:

Shumway moved that the City Council approve the Land Exchange Agreement between Farmington City and CW Management.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including Deferral Agreement of Certain Main Street Public Improvements; approval of September 7, 2021, minutes; and approval of September 21, 2021, minutes.

For the September 7, 2021, work study minutes, Shumway wanted to add "At this point, Councilwoman **Amy Shumway** feels the proposal is more in favor of the developer than the City."

Motion:

Beus moved to approve the Summary Action list items as noted in the staff report, including **Shumway's** correction to the minutes.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

GOVERNING BODY REPORTS:

City Manager Report

City Manager **Shane Pace** joined via Zoom from Portland, Oregon, where he was attending the International City/County Management Association annual conference. He said that Portland Farmington City Council, October 5, 2021

has many social problems that are really prevalent. He watched the City Council proceedings that night over Zoom and agreed with the decisions the Council made.

Mayor Talbot and City Council Reports

Beus reported on mosquito abatement, saying there had been a West Nile virus case here and there, but nothing too bad.

Wayment said it was nice to attend the Utah League of Cities and Towns (ULCT) convention, where it is always interesting to speak with other elected officials. She said it is apparent that many elected officials around the State are feeling pressure from housing density, as cities are growing at a pace that is almost uncomfortable.

Mayor Talbot was disappointed that he did not get to even one session of the ULCT conference. However, he and **Pace** were engaged in meetings for an entire day. He said that in the 12 years he has associated with the City Council as a member or mayor, he is pleased that everyone tries to come up with a workable solution even after debating things ad nauseam out of concern to cross all the T's and dot the I's.

Shumway asked how the City Council could do better to work with State legislators. She would like the chance to give legislators a tour of Farmington, talk about projects coming down the line, and let them see what they are imposing on Farmington from a City level.

Mayor Talbot said it would be appropriate to invite them to a meeting or study session.

Godfrey said representatives are often invited to a legislative breakfast, where City issues are addressed. These are best held in mid-November. He predicts that there will be a legislative push in land use issues, specifically eliminating single-family zoning altogether like has been done in California. Legislators are trying to solve an affordable housing crisis, which has a lot of various facets to it. He said there has been more housing approved in Utah in the last three years than there has been in a long, long time by a long way.

Anderson said he would like to advise residents in a newsletter about the legislature's intentions, and the drastic effect they may have on Farmington. He thinks cities are trying to be part of the solution statewide, but there are some hold outs.

Isaacson said developers across the State have leadership and strong lobbying. **Godfrey** agreed and said that no one is trying to hide that reality. He said keeping in contact with State Legislators is important, especially during the Legislative Session. Rallying the troops during the Session was effective in turning the tide on three to four past bills, something **Mayor Talbot** and **Pace** know well. **Godfrey** said it is good to keep the City lobbyist involved as well.

Shumway noted that some State Legislators live in Farmington. She suggested **Mellor** rent the fun bus for a City tour with them. **Isaacson** suggested Staff schedule a meeting with legislators once the election is over and the new City Councilmembers have come on board.

Shumway noticed tractors at the Post Office, as well as a new sign. **Wayment** said it may be in response to the blight letter that was sent to them recently.

Shumway mentioned a recent life flight of an individual who had fallen down the waterfall, saying that there needs to be improvements made to the Farmington Creek Trail. The Trails Committee has been discussing improvements to the lower Farmington Trail, including access down from the waterfall. This is just another reason to push it.

She said while the City always talks about the future of Farmington, it is good to also keep in connection with its past, including celebrating anniversaries and historical milestones. **Mayor Talbot** suggested emphasizing heritage at Festival Days.

Isaacson asked about the Healthy Utah Program mentioned at the ULCT conference. He felt there were a lot of good ideas and he wants to find out how to get involved. **Beus** mentioned that there are grants available for participation in the program. **Pace** said it is an organization that is separate from the league, and there is a lot of work to it, including filing an application. It would need a whole work session to cover what it really entails.

Isaacson said he is concerned with the 700 unfilled police positions along the Wasatch Front. He wants to make Farmington police feel appreciated, not just monetarily, but also culturally. There needs to be a culture of appreciation and support. **Mayor Talbot** said he has been discussing matters with the Police Chief, who has honed in on salaries and benefits lately. One officer left lately not because of strained relationships with the City, but to locate closer to family. Farmington is hiring a new police officer out of Layton. He agreed that there is a dramatic need for law enforcement in a lot of cities.

Pace said the movement in Farmington has not been due to wages, as Farmington has lost only one officer to wages in the last two years. The City is fully staffed right now, and the community as a whole has done a lot for the officers. **Shumway** said the City should make an effort to inform officers about the affordable housing available in the community.

CLOSED SESSION

*Mayor Jim Talbot,
City Manager Shane Pace,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,*

*Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,
Assistant City Manager/Economic
Development Director Brigham Mellor,
and City Attorney Todd Godfrey.*

Motion:

At 9:57 p.m., Councilman **Scott Isaacson** made the motion to go into a closed meeting for the purpose of litigation. Councilwoman **Rebecca Wayment** seconded the motion, which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

Jim Talbot, Mayor

Motion:

At 11:12 p.m., **Wayment** made a motion to reconvene to an open meeting. The motion was seconded by Councilwoman **Amy Shumway**, which was unanimously approved.

ADJOURNMENT

Motion:

Shumway made a motion to adjourn the meeting at 11:14 p.m. **Wayment** seconded the motion, which was unanimously approved.

Heidi Bouck, Recorder